

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DUSTIN JONES,

Plaintiff,

-v-

MCDONALD'S CORP., et al.,

Defendants.

16-CV-7537 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

On December 26, 2016, Plaintiff Dustin Jones filed a five-count amended complaint against Defendants McDonald's Corporation; McDonald's USA, LLC; EJJ Food Corp.; and Petwil VIII, Inc. (Dkt. No. 20.) The complaint asserted claims under the Americans with Disabilities Act of 1990 ("ADA") (Count One), 42 U.S.C. § 12101 *et seq.*; the New York State Human Rights Law (Count Two), N.Y. Exec. Law § 290 *et seq.*; the New York City Human Rights Law (Count Three), N.Y.C. Admin. Code § 8-101 *et seq.*; the New York State Civil Rights Law (Count Four), N.Y. Civ. Rights Law §§ 40-c, 40-d; and the New York common law (Count Five).

On April 20, 2018, Jones voluntarily dismissed his state common-law claim (Dkt. No. 77), and the Court has now approved the parties' stipulation to dismiss the federal ADA claim with prejudice (Dkt. No. 121). The only claims now remaining in this case sound in state and municipal law. (*See* Dkt. No. 115.) The Court has the statutory authority to maintain jurisdiction over these remaining claims. *See* 28 U.S.C. § 1367(a). However, where all "federal claims" in an action "are dismissed before trial . . . the state claims should [typically] be dismissed as well" in the court's discretion. *United Mine Workers of Am. v. Gibbs*, 383 U.S. 715, 726 (1966). Having no reason to depart from the ordinary course, the Court declines to

exercise supplemental jurisdiction over the claims that remain in this action (Counts Two, Three, and Four). Those claims are therefore dismissed without prejudice.

The Clerk of Court is directed to close this case.

SO ORDERED.

Dated: January 9, 2019
New York, New York



J. PAUL OETKEN
United States District Judge